IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 164 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT
and
Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

VINUBA KANAKSINH PADHIYAR

Appearance:
1. First Appeal No. 164 of 2002
MS ROOPAL R PATEL for Petitioner No. 1
MTM Hakim for Respondents No. 1-6

CORAM : MR.JUSTICE Y.B.BHATT
and
MR.JUSTICE M.H.KADRI

Date of decision: 01/02/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE Y.B.BHATT)

1. Heard learned counsel for the respective parties. Appeal is admitted. Learned counsel, Mr. MTM Hakim, waives service of notice on behalf of respondents Nos.1 to 5 original claimants and appears in the appeal.

2. On a joint request of learned counsel for the appellant and learned counsel for respondents Nos.1 to 5 original claimants, this appeal is taken up for final hearing today.

3. This is an appeal under section 173 of the Motor Vehicles Act, 1988, at the instance of the Gujarat State Road Transport Corporation, being the owner of the vehicle involved in the accident, challenging the judgment and award dated 28th March 2001 passed by the Motor Accident Claims Tribunal (Aux.), Vadodara, in Motor Accident Claim Petition No.1818 of 1995, under section 168 of the said Act.

4. By the impugned judgment and award, the Tribunal has awarded to the claimants an aggregate amount of compensation in the sum of Rs. 4,25,000/- with proportionate costs and interest at the rate of 9% per annum from the date of the application till realisation, as against the claim of Rs.8 lakhs put forth by the original claimants.

5. We have carefully perused the impugned judgment and award and heard learned counsel for the respective parties in respect thereof. We have also referred to such evidentiary material on record to which our attention has been drawn.

6. As a result of the hearing and discussion, we find that there is some scope for reduction in the amount awarded by the Tribunal under the impugned judgment and award.

7. The learned counsel for the respective parties agree and state that the Court may determine an appropriate amount of compensation, which ought to be awarded to the original claimants in light of their submissions and in light of the evidentiary material on record, without the necessity of recording reasons.

8. As a result of this exercise, we are of the opinion that the interest of justice will be served, in consonance with the evidentiary material on record, if respondents Nos.1 to 5 original claimants are awarded an aggregate compensation in the sum of Rs.3,95,000 (Rupees

three lakhs ninety five thousand only). We hold and direct accordingly.

9. It is clarified that the impugned judgment and award are modified only to the aforesaid extent and the rest of the award stands confirmed. This appeal is, therefore, partly allowed with no order as to costs. Decree accordingly.

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(swamy)